

ATTACHMENTS

SEP 12 2011

UNITED STATES DISTRICT COURT

Honorable Judge Richard D. Bennett,

Hello, my name is
Kambreh Jones case #RDB-11-0083. I am writing because
I am completely helpless and have no clue what else to
do. I'm confused and honestly can't wrap my brain
around this entire situation. I just signed a "C" plea on
August 1, 2011 and I must say, that was the most difficult
decision I have made in my entire life. I'll start from
the beginning....

July 7, 2009 I was released from Federal
prison after serving 10 years 9 months for cocaine distrib-
ution (84). By mid July I had secured a new job (the
3rd or 4th since my release February 2009 to V.O.A.) at
Walmart Distribution Center in Smyrna, Delaware. On
December 12, 2009 my Grandfather (James J. Jones Sr.)
was diagnosed with terminal lung cancer (this was the
only man I knew as a "father" being my biological was
murdered when I was 4 1/2 months old). So during
his stay at Peninsula Regional Medical Center and
Deers Head Nursing home I hardly ever left his side.
I took personal leave time from work and did everything
he needed done to make him comfortable. Needless
to say the inevitable occurred, his life expired on
December 25, 2009 at 10:45 p.m. At least that's when
I got the news because we were out as a family visiting
other family. I have never been the same since.

And to top it all off my uncles (my Grandfather's sons) had no money to pay for funeral services or a tombstone for his grave site. So at roughly 6 months free I was faced with the burden of not only burring my "father," but paying for it also. Needless to say, "I fell off the boat." I quit my job and went back to what I knew. I even caught a dirty urine around April 2010 when I went to see my probation officer in Upper Marlboro. I explained all my problems to him and even the problems I'd been having with my wife (after the birth of our daughter April 3 2010 we had a huge fall-out). Mr. English then order me to report to ADR in Forestville, MD for treatment and urinalysis testing. I never had another dirty. All these facts can be checked thru probation officers Michael Alcra (Eastern Shore) and Bryan English (Upper Marlboro - Greenbelt).

On April 15 2011 I was arrested and charged with Conspiracy to Distribute and Possess w/intent Heroin. The conspiracy spans from February 2010 - September 2010, during which time I was never caught with or near any Heroin. The Government speaks of seizing packages in May 2010, June 2, 2010, June 14, 2010 and July 19, 2010 (which are all attributed to me) totaling 1178 grams. (Mind you 200 of those were caught on the "CI.") How then am I charged with 18 Kilos? Relevant conduct can't even be used to come up with those amounts.

None of the information is consistent with such a large amount of Heroin. The "alleged" wiretaps can't speak of such amounts because they never existed! The Statement was made by the CT and there's no evidence to support the claims. Isn't the Government bound by law to find evidence to support statements given by CT's? There's no way they found any such evidence. I seriously doubt they attempted. But those amounts give me a higher base offense level and in turn a longer prison sentence. The CI said that because he knows that's what the Government wants to hear. Whereas he tells the truth and a 1-3 Kilo guy doesn't seem as enticing as an 18 Kilo guy. It's self preservation the #1 law of Nature.

Sir, I accept complete responsibility of my actions. Under no circumstances am I sayin that I'm innocent. I did sell some Heroin, not 18 Kilos worth. No evidence speaks of such amounts, logic doesn't even speak of such. 1 Kilo has an estimated street value of \$200K or more and cost between \$60-120K. So in 6 months, (after being free from prison for only 6 months) I bought and sold over 1 million dollars worth of Heroin? So that means my profit was atleast 2-3 million? Well for over 12 months the Government has been looking thru my life and my wife's. Our bank statements and accounts have been monitored and all that. My mother pays a mortgage on her house

(has been since 1994-95), my wife rented up until 2 days before my incarceration and we still make payments on the truck we own. I have a court appointed lawyer for God's sake. Where's all the proceeds from 18 Kilos? I didn't have \$10-20K worth of jewelry on and I wasn't driving an \$80K car when I was arrested. Not to mention the seizures that the Government made (and are attributing to me) must be larger than 2-400 grams and way more frequent to equal 18000 grams. 1178 grams is 16,822 grams away. I can't believe the Government even gave that lie any credence. It doesn't add up nor make sense. Common sense says I was investigated for over 1 year and never caught with or near any Heroin, obviously I wasn't doing anything near the magnitude I'm forced to cop to. If I was doing such large amounts of heroin why then was I caught on RT 95 with 500 grams of cocaine? I could've paid anyone to do that with my 2-3 million dollars. Why would I even deal with such a small amount of cocaine? And why would the Government then lock me up for this case? To use the criminal conduct to get a conviction. That stop solidified their case because it showed criminal activity to put in front of a jury. Without my RT 95 stop I go to trial because there's no evidence against me merely people caught up in a jam trying to get out. These

people would give their mothers and children up to get outta jail.

Sir, again I accept complete responsibility for my actions and I apologize for the wrongs I've done and the effects they may have had on others. The drug amounts in this case are all wrong. I want so bad to go to trial, but that would be suicidal. I'd be found guilty of my RT 95 stop above. Not to mention the 851 enhancement. Without the lies from this CI I wouldn't even be here. Can anyone see that they're lies and my actions have been completely over-stated! It looks better to get an 18 Kilo dealer off the street than a 1-3 Kilo dealer? The Government is using his testimony to now determine my offense level which decides my term of imprisonment. How just is that? Where's justice and evidence play in this. Physical evidence that is. The CI has a personal vendetta. He lied to send me away as long as possible outta sheer spite. If you betrayed someone wouldn't you want to inflict as much damage as possible. Not to mention increase your worth and decrease your term of imprisonment.

My mother begged me to go to trial. She said, "Son, mom-mom (my grandmother) and daddy (my grandfather) never condoned us talking

on one another. And I don't want you to do that and mess someone else's life and family up for selfish reasons. But they also taught us to stand up for ourselves and against any and all odds stand for what's right and your rights. Do not take the blame for something you didn't do! Put it in God's hands and he above will see you through." (Reading it from a letter). But as I told her I can't win. And when I lose I'll never see my children again until they're grown. It's too much to lose. Weighing the situation the risk is too great. Not to mention I'm guilty. Not of 18 kilos but I'm guilty of heroin distribution so I've got to man up and suck it up.

So with that said sir if you could just look into my case and review the facts and evidence and use logic, your heart and plain common sense to impose my term of imprisonment I would so greatly appreciate it. Not only me but my entire family and loved ones. I'm sorry for my wrongs and the effects they've had on people. I've learned dearly from my mistakes. My life isn't mine to live or toss away anymore. My life and reason for living belong solely to my children, Soul Loren Jones, age 4, and Jesse Eden Jones, 17 months old, above. Thanks for your time and consideration.

Sincerely, 6
Kambreh Jones

Oct. 12, 2011

William Welch,

I'd like to file a Motion to withdraw guilty plea, rule 11(d) [formerly Rule 32(d) and 32(a)] according to US v Moore, 931 F.2d 245, 248 (4th Cir 1991). Based on my adamant denial of offense levels, lack of serious assistance from competent counsel.

citing US v. Powell, 886 F.2d 81, 85 (4th Cir 1989) the drug quantity is a sentencing provision that the government must only prove by a preponderance of the evidence. Nor may "a criminal defendant's conviction ... rest entirely on an uncorroborated extrajudicial confession." Stephens, 482 F.3d at 672 (US v Stephens, 482 F.3d 669, 673-674 (4th Cir 2002)). US v Sampson, 140 F.3d 585, 591 (4th Cir. 1998). But cf. US v. Collins, 415 F.3d 304, 312-15 (4th Cir. 2005) (court must determine quantity of drugs reasonably foreseeable by a particular defendant before imposing mandatory minimum sentence, giving government 30 days to decide whether to agree to reduced sentence or to request remand for retrial with proper instruction to be given jury); US v. Irvin, 2 F.3d 72, 77-78 (4th Cir. 1993) (court must determine quantity of drugs reasonably foreseeable by a particular defendant before imposing mandatory minimum sentence); and US v Gilliam, 987 F.2d 1009, 1012-15 (4th Cir 1993) (court must determine drug quantity reasonable foreseeable by each individual defendant, even though defendant pled guilty to conspiracy count).

alleging more than 30 Kilograms).

Before *Apprendi*, New Jersey, 530 US 466 (2000), drug quantity was considered a sentencing factor, which the government was only required to prove by a preponderance of the evidence. See, e.g. *US v Dorlouis*, 107 F.3d 248, 252 (4th Cir. 1997); *US v Fletcher* 74 F.3d 49, 53 (4th Cir. 1996); and *US v Heater*, 63 F.3d 311, 322 (4th Cir. 1995).

Following *Apprendi*, however, drug quantities which increase the statutory maximum, are elements of the offense which must be charged in the indictment and submitted to a jury for proof beyond a reasonable doubt. *US v Stewart*, 256 F.3d 281, 282 (4th Cir. 2001); see also 92 F.3d 97 *US v Hernandez-Santiago* at. (Also hardship confinement case I spoke on)

Based on these cases and rules I'd like to file a Motion to withdraw plea and/or request a quantity hearing.

I thank you in advance for submitting these motions. Please send me a copy once you've completed them for I've copied this and sent copy to the judge. I've asked for this since the beginning of my case but you've pushed this "C" plea down my throat. Again I thank you in advance.

Respectfully
J. Kambeck Jones